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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,503	10/07/2004	Tomonori Fujisawa	IPA-001	7330
32628 7590 11/05/2007 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848			EXAMINER HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2614	
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			11/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,503	Applicant(s) FUJISAWA ET AL.	
	Examiner Lisa Hashem	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11-12-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,241,612 by Heredia.

Regarding claim 1, Heredia discloses a method for enabling a network game in which a number of players (col. 4, lines 22-32) participate by using a terminal unit (Fig. 3: 310, 330, 315, 335; i.e. client computer; Fig. 1: A-D) having a communication tool enabling an IP telephone (Fig. 3: 320, 380, 325, 385, 330, 335; i.e., microphone, speaker, CPU), wherein an IP address of each player is put under management (col. 7, lines 44-57) and communication among multiple players is enabled by selectively receiving a telephone message signal including a specific IP address and the communication tool receives a musical sound signal comprising game effect sound data and game message data in addition to the telephone message signal (col. 2, lines 34-41; col. 4, lines 11-15; col. 4, line 63 – col. 5, line 4; col. 6, line 4 – col. 7, line 43; col. 8, lines 31-55).

Regarding claim 3, Heredia discloses a network game terminal unit (Fig. 3: 310, 330, 315, 335; i.e. client computer; Fig. 1: A-D) having a communication tool enabling an IP telephone (Fig. 3: 320, 380, 325, 385, 330, 335; i.e., microphone, speaker, CPU), wherein a

Art Unit: 2614

voice receiving section of the terminal unit comprises:

a game communicating section for sending and receiving program signals for controlling a network game (col. 4, lines 1-21; col. 4, lines 63-66);

a game control section for controlling a participant IP managing section, a sorting section, and a synthesizing section each described hereinafter based on the program signals;

a participant IP managing section for managing IP addresses of participants in a game being provided online (col. 7, lines 44-57);

a network receiving section for receiving telephone message data (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55);

a sorting section for determining whether the received telephone message data includes a prespecified IP address or not, and sending the telephone message to an extending section described hereinafter (col. 5, line 4 – col. 6, line 16; col. 7, lines 44-57);

an extending section for restoring the transmitted telephone message data;

a synthesizing section for synthesizing the restored telephone message data in the time-series mode;

a D/A converting section for converting a digital signal in the synthesized telephone message data to an analog signal (col. 4, lines 63-66; col. 5, line 4 – col. 6, line 64); and

a microphone/speaker I/F section as a connecting section to the communication tool (Fig. 3: 320, 380, 325, 385; i.e., microphone, speaker) (col. 4, lines 46-57 and lines 63-66).

Regarding claim 4, the network game terminal unit according to claim 3, wherein Heredia discloses the network receiving section receives musical sound data for the network game together with the telephone message data (col. 2, lines 27-41; col. 7, lines 44-57).

Regarding claim 6, Heredia discloses a network game server (Figures 1, 3: E) inherently having a network game executing section (or CPU operating the server) which comprises:

- a data accumulating section for accumulating data for a network game (col. 4, lines 1-32);
- a game processing section for managing, processing, and making a decision for transaction of the various types of data according to progress of the network game (col. 4, lines 1-32; col. 4, line 66 – col. 5, line 4; col. 7, lines 28-43);
- a match-up managing section for managing a game match by match (col. 4, lines 1-32; col. 4, line 66 – col. 5, line 4); and
- a game communicating section for enabling transaction of control program signals for the network game among a plurality of network terminal unit (col. 4, line 66 – col. 5, line 4; col. 7, lines 28-43), and

the network game server further having a function for fetching an IP address of a terminal unit connected to the network and for notifying other terminal units of this IP address (col. 7, lines 44-57),

wherein the data accumulating section accumulates therein effect sound data and message data in addition to image data (col. 5, lines 29-44; col. 7, lines 44-57), and

the network game executing section further comprises a communication processing section for sending musical sound data containing the effect sound data and the message data in response to a request from the game processing section (col. 4, lines 1-32; col. 4, line 66 – col. 5, line 4; col. 5, lines 29-44; col. 7, lines 28-57);

Art Unit: 2614

a control section for controlling the communication processing section and the game processing section (col. 4, lines 1-32; col. 4, line 66 – col. 5, line 4; col. 5, lines 29-44; col. 7, lines 28-57); and
a network transmitting section for transmitting the musical sound data to the network terminal unit (Fig. 3: 110, 120; col. 5, lines 1-4; col. 7, lines 44-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia, as applied to claim 4, and in further view of U.S. Pat. No. 6,782,281 by Nagasawa.

Regarding claim 5, the network game terminal unit according to claim 4, wherein Heredia discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section previously accumulated therein to the synthesizing section in response to an instruction from the sorting section (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55).

Heredia does not disclose an in-coming call dial tone.

Nagasawa discloses a game terminal unit (Fig. 6) having a communication tool enabling a telephone (col. 4, line 61 – col. 5, line 31), wherein a voice receiving section of the terminal unit comprises: a game communicating section (col. 3, lines 60-65). Wherein Nagasawa discloses the voice receiving section in the terminal unit further comprises an in-coming call

Art Unit: 2614

transmitting section for sending a in-coming call dial tone previously accumulated therein (col. 6, lines 39-47).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the network game terminal unit of Heredia to include an in-coming call dial tone as taught by Nagasawa. One of ordinary skill in the art would have been lead to make such a modification to alert a player of a network game terminal unit of an incoming call while a game is enabled on the network game terminal unit .

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

Art Unit: 2614

relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
September 19, 2007


FAN TSANG
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2600